

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIC SCOTT BRAMWELL,

Plaintiff,

v.

ORDER
06-C-461-S

MADISON POLICE DEPARTMENT,
GLORIA REYES-BLACKAMORE,
DANIEL FREI, JASON BAUMGART,
PAUL BAUMAN. JIM WITALISON,
DAVE WHITE, MICHAEL MARTIN and
CINDY MIEROW,

Defendants.

On October 6, 2006 the above entitled matter was dismissed without prejudice for plaintiff's failure to file his initial partial filing fee. The Court has now received plaintiff's filing fee and will address the merits of plaintiff's complaint.

Plaintiff alleges that on April 24, 2006 defendants Madison Police Officers Gloria Reyes-Blackamore, Daniel Frei, Jason Baumgart, Paul Bauman, Jim Witalison, Dave White, Michael Martin and Cindy Mierow entered his home without a warrant and conducted an illegal search of his home. He further alleges that he was arrested without probable cause by the defendants and that defendant Daniel Frei committed assault and battery on him during the arrest.

The Court will reopen the above entitled matter and allow plaintiff to proceed on his Fourth Amendment claims against the individual officers. He may also proceed upon his state law

claims against defendant Frei. He will not be allowed to proceed against the Madison Police Department because it is not a suable entity.

ORDER

IT IS ORDERED that the above entitled matter is REOPENED and plaintiff will be allowed to proceed on his Fourth Amendment claims against defendants Gloria Reyes-Blackamore, Daniel Frei, Jason Baumgart, Paul Bauman, Jim Witalison, Dave White, Michael Martin and Cindy Mierow.

The summons and complaint will be delivered to the United States Marshal for service on these defendants at the Madison Police Department, Madison, Wisconsin.

Entered this 16th day of October, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge